

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION Subcommittee ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN MARK NOENNIG**, on March 13, 2001 at 11:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. John Esp (R)
Rep. Larry Jent (D)
Rep. Jim Shockley (R)

Members Excused: Rep. Tom Facey (D)

Members Absent: None.

Staff Present: David Ness, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
HEARING: SB 28

SUB COMMITTEE HEARING ON SB 28

Questions from Committee Members and Responses:

Rep. Noennig explains the Seubert vs Seubert divorce case.

Mrs. Suebert requested a review of the child support by the DPPHS. The District Court Judge Marc Buyske ruled that the DPPHS could not override some judges ruling.

This case eventually was sent to the Supreme Court. The Supreme Court said "to the extent that they grant the child support enforcement division the judicial power to make and enforce binding child support orders without automatic and mandatory judicial review are unconstitutional and a violation of the separation of powers of the Montana Constitution."

SB 28 is attempting to deal with two issues. The DPPHS has the authority, under this bill, to set child support if there have been no legal proceedings or rulings.

The second issue is if there is an existing court order, the DPPHS has to submit its recommendations to the District Court and they have the final say.

Amy Pfeiffer, DPPHS attorney participated with the committee in drafting a recommendation to the Local Government Committee.

The committee discussed the procedures used by DPPHS when they conduct a hearing. They questioned why all hearings are conducted by telephone, who does the investigating and does the agency need subpoena powers?

There were several recommendations requiring personal service to participants (mailing is not adequate), notice to attorneys, modification of child support and definite guidelines for modification of court orders and who has the final approval. **{Tape : 1; Side : A; Approx. Time Counter : 0 - 30}{Tape : 1; Side : B; Approx. Time Counter : 0 - 30}{Tape : 2; Side : A; Approx. Time Counter : 0 - 30}{Tape : 2; Side : B; Approx. Time Counter : 0 - 30}**

ADJOURNMENT

Adjournment: 1:00 P.M.

REP. BILL THOMAS, Chairman

PATI O'REILLY, Secretary

MN/PO